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### MINISTRY OF LAW

*New Delhi, the 23rd December, 1957*

The following Acts of Parliament received the assent of the President on the 21st December, 1957, and are hereby published for general information:—

### THE CAPITAL ISSUES (CONTROL) AMENDMENT ACT, 1957

No. 50 of 1957

[21st December, 1957]

An Act further to amend the Capital Issues (Control) Act, 1947.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. This Act may be called the Capital Issues (Control) Amendment Act, 1957. Short title.

29 of 1947. 2. In the Capital Issues (Control) Act, 1947 (hereinafter referred to as the principal Act), for section 2, the following section shall be substituted, namely:— Substitution of new section for section 2.

‘2. (1) In this Act, unless the context otherwise requires,— Definitions and interpretation.

1 of 1956. (a) “company” means a company as defined in section 3 of the Companies Act, 1956, and includes a foreign company within the meaning of section 591 of that Act;

(b) “issue of capital” means the issuing or creation of any securities whether for cash or otherwise, and includes the capitalisation of profits or reserves for the purpose of converting partly paid-up shares into fully paid-up shares or increasing the par value of shares already issued;

(c) “private company” means a private company as defined in section 3 of the Companies Act, 1956;

(d) "prospectus" means any prospectus, notice, circular, advertisement or other document inviting offers from the public for the subscription or purchase of any securities of a company;

(e) "securities" means any of the following instruments issued or to be issued, or created or to be created, by or for the benefit of a company, namely:—

(i) shares, stocks and bonds;

(ii) debentures;

(iii) mortgage deeds, instruments of pawn, pledge or hypothecation and any other instruments, creating or evidencing a charge or lien on the assets of the company; and

(iv) instruments acknowledging loan to or indebtedness of the company and guaranteed by a third party or entered into jointly with a third party;

(f) "States" means the territories of India to which this Act extends

(2) Any reference in this Act to offering securities to the public shall be construed as including a reference to offering them to any section of the public, whether selected as members, debenture-holders or holders of any other securities of the company concerned or as clients of the person issuing any prospectus in relation to such securities, or selected in any other manner:

Provided that the foregoing provisions shall not be taken as requiring any offer to be treated as made to the public if it can properly be regarded, in all the circumstances, as not being calculated to result directly or indirectly in the securities becoming available for the subscription or purchase by persons other than those receiving the offer, or otherwise as being a domestic concern of the persons making or receiving it.

**Amendment of section 3.** 3. In section 3 of the principal Act, after sub-section (5), the following sub-sections shall be inserted, namely:—

"(6) The Central Government may by order at any time—

(a) revoke the consent or recognition accorded under any of the provisions of this section; or

(b) where such consent or recognition has been qualified with any conditions, vary all or any of those conditions:

Provided that before an order under this sub-section is made the company concerned shall be given a reasonable opportunity of showing cause why such order should not be made.

(7) Where an order has been made under sub-section (6), the Central Government shall, upon the request of the company concerned, communicate to it in writing the reasons for such order.”.

4. For section 4 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 4.

“4. (1) No person shall circulate any offer, being a public offer, in the States for the subscription, or purchase of any securities unless consent or recognition has been accorded by the Central Government under this Act to the issue or creation of such securities and a statement has been made to that effect in the offer.

Control of advertisement of offers of securities for subscription etc.

(2) No company shall circulate any offer, being an offer to existing holders of the securities of that company or to existing holders of the securities of any other company specified in the offer, in the States for the subscription or purchase of any securities of such company unless recognition has been accorded by the Central Government under this Act to the issue or creation of such securities and a statement has been made to that effect in the offer.

(3) No person shall without the consent of the Central Government circulate any offer, being a public offer, in the States for the sale of any securities issued or created with the consent or recognition of the Central Government if such issue or creation was made by a private company or if the order according consent or recognition contained a condition that the securities should be privately subscribed.”.

5. In section 6 of the principal Act, in sub-section (2), after the word and figure “section 4” in both the places where they occur, the words and figure “or section 5” shall be inserted.

Amendment of section 6.

6. For section 7 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 7.

“7. Any officer authorised in this behalf by the Central Government may, for the purpose of inquiring into the correctness of any statement made in an application for consent or recognition to an issue of capital or for the purpose of ascertaining

Power to call for information.

whether or not the requirements of any condition attached to an order according such consent or recognition have been complied with or for the purpose of obtaining particulars as to the total capital issued or for any other purposes of this Act, require any company or any officer of a company to submit and furnish to him within such time as may be specified in the requisition, such accounts, books or other documents and such information as he may reasonably think necessary.”.

Amendment  
of section 8.

7. In section 8 of the principal Act, after the words “issue of capital”, the words “or in connection with any of the other provisions of this Act”, shall be inserted.

Amendment  
of section 12.

8. Section 12 of the principal Act shall be re-numbered as sub-section (1) of that section and after the said sub-section as so numbered, the following sub-section shall be inserted, namely:—

“(2) All rules made under this section shall be laid for not less than thirty days before each House of Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.”.

## THE COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT) AMENDMENT ACT, 1957

No. 51 of 1957

[21st December, 1957]

An Act amend the Coal Bearing Areas (Acquisition and Development) Act, 1967.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

Short title  
and com-  
mencement.

1. (1) This Act may be called the Coal Bearing Areas (Acquisition and Development) Amendment Act, 1957.

(2) It shall be deemed to have come into force on the 12th day of June, 1957.

Amendment  
of section 2.

2. In section 2 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (hereinafter referred to as the principal Act), 20 of 1957. after clause (c), the following clause shall be inserted, namely:—

“(cc) “mining lease” includes a mining sub-lease, and “lessee” shall be construed accordingly;”.

3. In section 5 of the principal Act,—

Amendment  
of section 5.

(a) in clause (a), for the words “granted to any person under the Mineral Concession Rules which authorises him”, the words “which authorises any person” shall be substituted; and

(b) in clause (b), the words “granted to any person under the Mineral Concession Rules” shall be omitted.

4. After section 9 of the principal Act, the following section shall be inserted, namely:—

Insertion of  
new section  
9A.

“9A. If the Central Government is satisfied that it is necessary to acquire immediately the whole or any part of the land notified under sub-section (1) of section 4 or any rights in or over such land, the Central Government may direct that the provisions of section 8 shall not apply, and if it does so direct, a declaration may be made under section 9 in respect thereof at any time after the issue of the notification under section 7.”

Special  
powers in  
cases of  
urgency.

5. In section 10 of the principal Act,—

Amendment  
of section 10.

(a) in sub-section (1), after the words “Central Government”, the words “free from all encumbrances” shall be inserted; and

(b) in sub-section (2), for the words “granted by a State Government”, the words “granted or deemed to have been granted by a State Government” shall be substituted.

6. In clause (iv) of sub-section (2) of section 13 of the principal Act,—

Amendment  
of section  
13.

(a) for the words “during the period commencing from the date of the lease and ending with”, the words “up to” shall be substituted;

(b) in the proviso, for the words, brackets and letters “clauses (ii) and (iii)”, the words, brackets and letters “clauses (i), (ii) and (iii)” shall be substituted.

7. In sub-section (3) of section 28 of the principal Act, for the words “disposed of by him accordingly”, the following words shall be substituted, namely:—

Amendment  
of section  
28.

“disposed of by him as if the objection had been made in relation to a notification issued under section 7 of this Act in respect of such land”.

## THE OPIUM LAWS (AMENDMENT) ACT, 1957

No. 52 OF 1957

[21st December, 1957]

## An Act further to amend the Opium Act, 1878 and the Dangerous Drugs Act, 1930

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

- Short title.** 1. This Act may be called the Opium Laws (Amendment) Act, 1957.
- Amendment of section 3.** 2. In the Opium Act, 1878 (hereinafter referred to as the Opium Act), in the definition of "opium" in section 3, for clause (i), the following clause shall be substituted, namely:—  
“(i) the capsules of the poppy (*Papaver somniferum* L.), whether in their original form or cut, crushed or powdered, and whether or not juice has been extracted therefrom;”.
- Amendment of section 9.** 3. In section 9 of the Opium Act, for the words “shall, on conviction before a Magistrate, be punished for each such offence with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both;”, the following words shall be substituted, namely:—  
“shall, on conviction before a Magistrate, be punishable for each such offence with imprisonment which may extend to three years, with or without fine;”.
- Amendment of section 14.** 4. In section 14 of the Opium Act, for the words “Any officer of any of the departments of Excise, Police, Customs, Salt, Opium or Revenue, superior in rank to a peon or constable, who may in right of his office be authorized by the State Government in this behalf, and”, the following words shall be substituted, namely:—  
“Any officer of the department of Central Excise, Narcotics, Drugs Control, Customs, Revenue, Police or Excise, superior in rank to a peon or constable, authorized in this behalf by the Central Government or the State Government,”.
- Amendment of section 2.** 5. In the Dangerous Drugs Act, 1930 (hereinafter referred to as the Dangerous Drugs Act), in clause (e) of section 2, for sub-clause (i), the following sub-clause shall be substituted, namely:—  
“(i) the capsules of the poppy (*Papaver somniferum* L.), whether in their original form or cut, crushed or powdered, and whether or not juice has been extracted therefrom;”.

6. In sections 10, 11, 12, 13, 14 and 15 of the Dangerous Drugs Act, for the words "shall be punished with imprisonment which may extend to two years, or with fine, or with both", the words "shall be punishable with imprisonment which may extend to three years, with or without fine" shall be substituted. Amendment of sections 10, 11, 12, 13, 14 and 15.

7. In sections 16 and 17 of the Dangerous Drugs Act, for the words "or to fine, or to both", the words "with or without fine" shall be substituted. Amendment of sections 16 and 17.

8. In sub-section (1) of section 23 of the Dangerous Drugs Act, for the words "Any officer of the department of Excise, Police, Customs, Salt, Opium or Revenue, superior in rank to a peon or constable, authorized in this behalf by the State Government," the following words shall be substituted, namely:— Amendment of section 23.

"Any officer of the department of Central Excise, Narcotics, Drugs Control, Customs, Revenue, Police or Excise, superior in rank to a peon or constable, authorized in this behalf by the Central Government or the State Government,".

9. Section 31 of the Dangerous Drugs Act shall be omitted.

Omission of section 31.

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G. R. RAJAGOPAUL,  
*Addl. Secy. to the Govt. of India.*

